

**FILED
CHARLOTTE, NC**

JUL 3 2008

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NC**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

DOCKET NO. 5:05CR6-V

UNITED STATES OF AMERICA,)
v.)
)
(3) RODNEY STURGILL)

)
DOROTHY W. STURGILL, et al., Third Party)
Petitioners)

CONSENT ORDER

THIS MATTER is before the Court by consent of the United States of America, by and through Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina, and petitioners Dorothy W. Sturgill, Charles V. Sturgill, and Rodney D. Sturgill ("petitioners"), through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The government and petitioners have consented to this order as a final adjudication and settlement of all matters with regard to the following property (the "subject property") covered by the consent order and judgment of forfeiture (the "consent judgment") filed herein on November 7, 2005:

**One parcel of real property consisting of approximately 79.5 acres and located at 104 Jim Duval Road,
Grassy Creek, North Carolina, Tax Parcel 06290-009, as more particularly described in a deed recorded
at Deed Book 262, Page 1058, in the Ashe County Public Registry;**

The government and petitioners have stipulated and agreed and the Court finds as follows:

1. By this consent order, petitioners are deemed to have filed timely petitions in response to the consent judgment, and the Court has jurisdiction over the subject property.
2. Defendant Rodney Sturgill (defendant) has or had a legal ownership interest in the subject property that is subject to forfeiture under the applicable statutes.
3. The sum of \$45,000 has been tendered to the United States Marshals Service as a substitute res for the subject property and shall represent the forfeitable interest of defendant in that asset. All right, title and interest in this \$45,000 is therefore subject to forfeiture to the United States. The preliminary order shall be amended by deleting the subject property, and the government's claim to that asset shall be dismissed.
4. Petitioners hereby release and forever discharge the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their

agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which petitioners or their heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, detention, and forfeiture.

IT IS THEREFORE ORDERED:

1. All right, title and interest in the \$45,000 is forfeited to the United States for disposition according to law.
2. The preliminary order is hereby amended by deleting the subject property, and the government's forfeiture claim to that asset is hereby dismissed with prejudice.
3. Each party shall bear its own costs, including attorneys fees.

Signed this the 3rd day of July, 2008.



RICHARD L. VOORHEES
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

GRETCHEN C. F. SHAPPERT
United States Attorney

By W.A.Brafford
WILLIAM A BRAFFORD
Assistant United States Attorney

Date: July 2, 2008

Dorothy W. Sturgill
DOROTHY W. STURGILL, Petitioner

Date: 7-1-08

Charles V. Sturgill
CHARLES V. STURGILL, Petitioner

Date: 7-1-08

Rodney D. Sturgill
RODNEY D. STURGILL, Petitioner

Date: 6-26-08

Daniel Johnson
DANIEL JOHNSON
Attorney for Petitioners

Date: 7/1/08